



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

(inventor(s))

for \_\_\_\_\_

(title of invention)

*AN*  
#5  
12/5/96  
A.W.

## OR

In re application of: Vincent A. Meli

Serial No.: 08 / 482862 Group Art Unit: Not yet known  
Examiner: Not yet known

Filed: June 7, 1995

For: METHOD AND APPARATUS FOR FORMING AND HERMETICALLY  
SEALING SLICES OF FOOD ITEMS**Commissioner of Patents and Trademarks**

Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN  
THREE  
MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION  
(37 CFR 1.97(b))**

**NOTE:** "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

**NOTE:** The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Date: July 25, 1995

transmitted by facsimile to the Patent and Trademark Office

Signature

*Hannah Martin*

Hannah Martin

(type or print name of person certifying)

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 1 of 2)

*annexes to the international preliminary examination report, if such annexes were made in another language.* 37 CFR 1.97(b)(2).

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

**NOTE** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

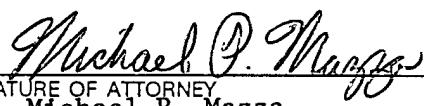
**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Date July 25, 1995

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#5

ATTORNEY DOCKET NO.  
2108CONCIPCON2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Vincent A. Meli )  
                               )  
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                               )  
SERIAL NO.: 08/482,862      ) Group No.  
                               )  
FILED: June 7, 1995        ) Examiner:  
                               )  
FOR: METHOD AND APPARATUS FOR ) Attorney Docket  
         FORMING AND MERMETICALLY ) No. 2108CONCIPCON2  
         SEALING SLICES OF FOOD )  
         ITEMS                 )

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. §§ 1.97, 1.98

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, as well as M.P.E.P. § 609, and without prejudice to Applicant, Applicant's attorneys identify patents which the Examiner is asked to consider in connection with examination of the above-identified application.

Neither Applicant nor his attorney represent, by the filing of this statement, that any items listed here do in fact constitute "prior art" to the present invention, that a state of the art search for more relevant art has been made, or that items of art potentially more relevant than the patent listed below do not, in fact, exist.

ATTORNEY DOCKET NO.  
2108CONCIPCON2

Copies of all relevant art known to Applicant was previously sent to the Examiner during examination of the co-pending parent cases, U.S. Serial No. 07/791,490, filed November 12, 1991, and U.S. Serial No. 08/098,752, filed July 28, 1993.

A copy of the European Search Report for the corresponding European application is also attached.

The art is listed below.

U.S. Patents

<u>Patent No.</u>	<u>Patentee</u>	<u>Published Date</u>
1,546,963	Biernbaum	
1,948,570	Ferenci	2/1934
2,133,348	Ferenci	
2,134,862	Dunnam	11/01/38
2,156,466	Vogt	
2,160,367	Maxfield	05/30/39
2,257,823	Stokes	10/1941
2,460,460	Langer	02/01/49
2,505,603	Brandenberger	04/25/50
2,529,732	Howard	11/14/50
2,613,488	Attride	10/14/52
2,759,308	Nawrocki	08/21/56
3,001,348	Rado	09/26/61
3,140,572	Petersen et al	07/14/64
3,182,430	Hoeppner	05/11/65
3,202,302	Insolio	08/24/65
3,237,367	Fievet	03/01/66
3,300,944	Thesing	
3,325,961	Lindh et al	
3,378,988	McClosky	04/23/68

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3,388,525	Thesing et al	06/18/68
3,395,915	Clausen et al	08/06/68
3,405,861	Bush	10/15/68
3,436,927	Gruber	04/08/69
3,461,021	Brinkmeier et al	08/1969
3,469,363	Berckmoes	
3,532,516	Erekson	10/06/70
3,542,570	Bush et al	11/24/70
3,544,340	Miller et al	12/01/70
3,592,329	Fleischauer	07/13/71
3,598,615	Chamberlain	08/10/71
3,623,653	Work	11/30/71
3,623,891	Coffey	11/30/71
3,634,099	Wilson	
3,688,468	Erekson	09/05/72
3,693,319	Hunsader	09/26/72
3,784,711	Kane	01/1974
3,838,549	Pepmeier	10/01/74
3,848,757	Jordan	11/19/74
3,851,068	Kraft	11/26/74
3,913,299	Stenstrom	10/21/75
3,924,051	Wiggins et al	12/02/75
3,930,350	Reid	01/06/76
4,015,021	Harima et al	03/29/77
4,074,504	Greenawalt et al	02/21/78
4,106,265	Aterianus	
4,109,792	Greenawalt et al	08/1978
4,110,954	Olsson et al	09/1978
4,133,162	Baumstingl	01/1979
4,139,978	Jensen et al	02/20/79
4,183,964	Vinokur	01/15/80
4,199,919	Moscatelli	
4,205,504	Gregoire et al	06/03/80

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4,243,469	Evers et al	01/1981
4,262,473	Brooke	04/21/81
4,299,075	Gram	11/10/81
4,377,061	Olson et al	03/1983
4,426,401	Ottow et al	
4,437,853	Metz	03/20/84
4,467,589	van Maanen	08/28/84
4,506,494	Shimoyama et al	
4,517,790	Kreager	05/1985
4,524,567	Patelli	
4,530,632	Sela	07/23/85
4,543,769	Schmitz	10/1985
4,543,769	Schmitz	
4,582,555	Bower	04/1986
4,586,317	Bussell	05/06/86
4,599,850	Kopp	07/15/86
4,620,826	Rubio et al	11/04/86
4,630,426	Gentry	12/23/86
4,637,199	Steck et al	01/20/87
4,638,913	Howe, Jr.	01/1987
4,662,978	Oki	05/1987
4,704,843	Owens et al	11/1987
4,712,357	Crawford et al	
4,745,731	Talbott et al	05/24/88
4,759,170	Sawa et al	
4,792,457	Brna et al	12/20/88
4,807,426	Smith	02/28/89
4,813,205	Mikata et al	03/1989
4,876,842	Ausnit	10/31/89
4,907,393	Omori et al	03/13/90
4,944,603	Cornish et al	07/1990
4,947,623	Saito et al	08/14/90
4,949,846	Lakey	08/21/90

5,053,239	Vanhatalo et al
5,056,295	Williams
5,112,632	Meli et al

10/01/91

10/15/91

05/12/91

Foreign Patents

Issued  
03/07/91

<u>Patent No.</u>	<u>Country</u>	
91/02461	PCT	
709966	United Kingdom	
1366798	United Kingdom	
587751	Switzerland	
1027024	Germany	
1124865	Germany	
1004097	United Kingdom	
35551	Germany	
1586328	Germany	
0 1380 44	Europe	
3841056	Germany	
94157	Norway	
DE-A-3 841 945	Germany	07/06/89
DE-A-3 439 680	Germany	05/09/85
DE-B-1 146 431	Germany	03/28/63
US-A-4 437 853	Germany	

Of this art, it is currently believed that the most relevant references may be U.S. Patent No. 4,586,317 to Bussell and German Patent No. 3,841,945, assigned to Kustner (translation enclosed).

Respectfully submitted,

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